

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al. Art Unit : Unknown
Serial No. : Examiner : Unknown
Filed :
Title : SURGICAL INSTRUMENT WITH OFF-AXIS ELECTRODE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Under 35 USC §120, this application relies on the earlier filing date of application serial number 09/753,786, filed on January 2, 2001, and the references listed on the accompanying Forms PTO-1449 were submitted to and/or cited by the Office in the prior application and, therefore, are not provided in this application.

This statement is being filed with the application.

Respectfully submitted,

Date:

July 23, 2003

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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-044002	Application No. To be assigned
Information Disclosure Statement by Applicant (Use several sheets if necessary)		Applicant Hugh R. Sharkey et al.	
		Filing Date July 23, 2003	Group Art Unit To be assigned

(37 CFR §1.98(b))

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	US-379350	4-2002	Sharkey et al.			
	AB	4,074,718	02/1978	Morrison, Jr.			
	AC	5,464,023	11/1995	Viera			
	AD	5,897,553	04/27/99	Mulier et al.			
	AE	6,113,591	09/05/00	Whayne et al.			
	AF	6,277,112	08/21/01	Underwood et al.			
	AG						
	AH						
	AI						
	AJ						
	AK						

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	AQ	
	AR	
	AS	
	AT	

Examiner Signature

Date Considered

EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION PTO-1449			ATTY. DOCKET NO.		SERIAL NO.		
			APPLICANT Sharkey et al.				
			FILING DATE		GROUP To be assigned		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,487,757	1/30/96	Truckai et al.	607	122		
	5,500,012	3/19/96	Brucker et al.	607	122		
	5,599,356	4/4/97	Edwards et al.	606	41		
	5,267,994	12/7/93	Gentelia et al.	606	15		
	5,423,806	6/13/95	Dale et al.	606	15		
	4,601,705	7/22/86	McCoy	604	94		
	5,242,439	9/93	Larsen et al.	606	15		
	5,437,661	8/95	Rieser	606	15		
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Auhll, Richard A., "The Use of the Resectoscope in Gynecology." Biomedical Business International, October 11, 1990, pp. 91-93.						
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	5,697,909	12/16/97	Eggers, et al.	604	114	5/10/94	
	5,683,366	11/4/97	Eggers, et al.	604	114	11/22/95	
	5,681,282	10/28/97	Eggers, et al.	604	114	4/11/95	
	5,308,311	5/3/94	Eggers, et al.	606	28	5/1/92	
	5,009,656	4/23/91	Reimels	606	48	8/17/89	
	4,476,862	10/16/84	Pao	128	303.17	9/30/82	
	5,524,338	6/11/96	Martyniuk, et al.	29	825	12/22/94	
	4,907,589	3/13/90	Cosman	606	34	4/29/88	
	5,630,839	5/20/97	Corbett, III, et al.	607	137	8/18/95	
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 98/07468	26.02.98	PCT	A61N	1/40		
	WO 96/39914	19.12.96	PCT	A61B	1/00		
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	Cosset, J.M., Resistive Radiofrequency (Low Frequency) Interstitial Heating (RF Technique), Interstitial Hyperthermia, 12/6/93, pp. 3-5, 37						
	Ellman International Mfg., Inc., 1989, Catalog, pp. 1-15, 20						
	Attachment I: Competetive Literature on Generators with Bipolar Capabilities, IME Co., Ltd. pp. 60-86						
	Attachment II: Competetive Literature on Bipolar Forceps and Footswitch Controls, IME Co., Ltd. pp. 87-104						
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	3,178,728	4-20-65	Christensen	3	1	10-22-62	
	3,579,643	5-25-71	Morgan	3	1	12-12-68	
	3,776,230	12-4-73	Neefe	128	260	4-18-73	
	3,867,728	2-25-75	Substad et al.	3	1	4-5-73	
	3,879,767	4-29-75	Substad	3	1	2-11-74	
	3,886,600	6-3-75	Kahn et al.	3	1	9-26-73	
	3,938,198	2-17-76	Kahn et al.	3	1.912	9-27-73	
	3,987,499	10-26-76	Scharbach et al.	3	1.91	8-9-74	
	3,992,725	11-23-76	Homsy	3	1	10-17-74	
	4,043,342	8-23-77	Morrison, Jr.	128	303.14	2-26-76	
	4,085,466	4-25-78	Goodfellow et al.	3	1.91	8-4-77	
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	637118	15/12/78	U.S.S.R.	A61B	17/18		XX
	1 340 451	12/12/73	Great Britain	A61F	1/00		
	1,122,634	11/09/56	France	A61F	19/0		XX
	0 479 482 A1	08/04/92	Europe	A61B	17/39		
	0 479 482 B1	01/05/96	Europe	A61B	17/39		
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Christian, C. et al., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique", <i>Operative Techniques in Sports Medicine</i> , Vol. 1, No. 1, Jan. 1993, pp. 50-57.							
Houpt, J. et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc", <i>SPINE</i> , Vol. 21, No. 15, (1996), pp. 1808-13.							
Troussier, B. et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study", <i>SPINE</i> , Vol. 20, No. 15, (Aug. 1995), pp. 1713-18.							
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	4,129,470	12-12-78	Homsy	156	155	6-7-76	
	4,224,696	9-30-80	Murray et al.	3	1.911	9-8-78	
	4,224,697	9-30-80	Murray et al.	3	1.911	9-8-78	
	4,326,529	4-27-82	Doss et al.	128	303.1	12-5-79	
	4,344,193	8-17-82	Kenny	3	1.911	11-28-80	
	4,362,160	12-7-82	Hiltebrandt	128	303.15	7-17-80	
	4,375,220	3-1-83	Matvias	128	804	5-9-80	
	4,381,007	4-26-83	Doss	128	303.1	4-30-81	
	4,397,314	8-9-83	Vaguine	128	399	8-3-81	
	4,483,338	11-20-84	Bloom et al.	128	303.13	6-12-81	
	4,517,965	5-21-85	Ellison	128	20	6-27-83	
	4,517,975	5-21-85	Garito et al.	128	303.13	6-6-83	
	4,593,691	6-10-86	Lindstrom et al.	128	303.14	7-13-83	
	4,597,379	7-1-86	Kihn et al.	128	1 R	3-30-83	
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						YES	NO
	0 572 131 A1	01/12/93	Europe	A61B	17/39		
	WO 85/02762	04/07/85	PCT	A61B	17/36		XX
	WO 93/01774	04/02/93	PCT	A61F	7/12		XX
	WO 95/20360	03/08/95	PCT	A61B	17/39		
	WO 95/30373	16/11/95	PCT	A61B	17/00		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
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	4,811,733	3-14-89	Borsanyi et al.	128	303.14	12-29-86
	4,873,976	10-17-89	Schreiber	128	334 R	2-28-84
	4,894,063	1-16-90	Nashef	623	13	5-24-83
	4,895,148	1-23-90	Bays et al.	606	213	3-22-89
	4,907,585	3-13-90	Schachar	606	28	12-3-87
	4,924,865	5-15-90	Bays et al.	606	77	5-16-88
	4,944,727	7-31-90	McCoy	604	95	10-2-87
	4,950,234	8-21-90	Fujioka et al.	604	60	5-25-88
	4,966,597	10-30-90	Cosman	606	50	11-4-88
	4,976,709	12-11-90	Sand	606	5	6-30-89
	4,976,715	12-11-90	Bays et al.	606	77	1-30-90
	4,998,933	3-12-91	Eggers et al.	606	41	6-10-88
	5,007,908	4-16-91	Rydell	606	47	9-29-89
	5,100,402	3-31-92	Fan	606	41	10-5-90
	5,103,804	4-14-92	Abele et al.	128	4	7-3-90
	5,178,620	1-12-93	Eggers et al.	606	41	2-22-91
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	5,191,883	3-9-93	Lennox et al.	128	401	5-22-90	
	5,201,729	4-13-93	Hertzmann et al.	606	2	11-30-90	
	5,201,730	4-13-93	Easley et al.	606	4	1-3-92	
	5,213,097	5-25-93	Zeindler	128	401	7-13-92	
	5,230,334	7-27-93	Klopotek	128	399	1-22-92	
	5,242,441	9-7-93	Avitall	606	41	2-24-92	
	5,261,906	11-16-93	Pennino et al.	606	46	12-9-91	
	5,275,151	1-4-94	Shockey et al.	128	4	12-11-91	
	5,284,479	2-8-94	de Jong	604	60	7-13-92	
	5,304,169	4-19-94	Sand	606	5	8-17-92	
	5,311,858	5-17-94	Adair	128	4	6-15-92	
	5,320,115	6-14-94	Kenna	128	898	1-16-91	
	5,323,778	6-28-94	Kandarpa et al.	128	653.2	11-5-91	
	5,334,193	8-2-94	Nardella	606	41	11-13-92	
	5,348,554	9-20-94	Imran et al.	606	41	12-1-92	
	5,366,443	11-22-94	Eggers et al.	604	114	10-9-92	
	5,433,739	7-18-95	Sluijter et al.	607	99	11-2-93	
	5,458,596	10-17-95	Lax et al.	606	31	5-6-94	
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	5,465,737	11-14-95	Schachar	128	898	1-30-95	
	5,484,403	1-16-96	Yoakum et al.	604	59	4-5-94	
	5,484,432	1-16-96	Sand	606	5	4-14-94	
	5,484,435	1-16-96	Fleenor et al.	606	46	11-8-93	
	5,507,812	4-16-96	Moore	623	13	4-26-94	
	5,514,130	5-7-96	Baker	606	41	10-11-94	
	5,542,920	8-6-96	Cherif Cheikh	604	57	9-12-94	
	5,569,242	10-29-96	Lax et al.	606	42	2-16-95	
	2,090,923	8-24-37	Wappler	128	303.15	7-12-35	
	3,856,015	12-24-74	Iglesias	128	303.15	6-8-73	
	3,945,375	3-23-76	Banko	128	6	4-30-73	
	4,134,406	1-16-79	Iglesias	128	303.15	10-7-77	
	4,590,934	5-27-86	Malis et al.	128	303.14	5-18-83	
	4,651,734	3-24-87	Doss et al.	128	303.14	2-8-85	
	4,815,462	3-28-89	Clark	128	305	4-6-87	
	4,838,859	6-13-89	Strassmann	604	95	5-19-87	
	4,955,882	9-11-90	Hakky	606	14	3-30-88	
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	5,085,657	2-4-92	Ben-Simhon	606	42	10-9-90	
	5,098,430	3-24-92	Fleenor	606	42	3-16-90	
	5,186,181	2-16-93	Franconi et al.	128	804	7-27-90	
	5,192,267	3-9-93	Shapira et al.	604	22	3-28-91	
	5,342,357	8-30-94	Nardella	606	40	11-13-92	
	5,352,868	10-4-94	Denen et al.	219	501	5-1-92	
	5,354,331	10-11-94	Schachar	623	4	7-15-92	
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						YES	NO
	WO 92/10142	25/06/92	PCT	A61B	17/36		
	WO 93/20984	28/10/93	PCT	B26D	1/11		
	WO 95/01814	19/01/95	PCT	A61N	5/02		
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	WO 95/18575	13/07/95	PCT	A61B	17/39		
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	Beadling, L., "Bi-Polar electrosurgical devices: Sculpting the future of arthroscopy", <i>Orthopedics today</i> , Vol. 17, No. 1, January 1997, 4 pages.						
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	5,366,490	11-22-94	Edwards et al.	607	99	12-22-93	
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	5,397,304	3-14-95	Truckai	604	95	6-29-93	
	5,401,272	3-28-95	Perkins	606	15	2-16-94	
	5,415,633	5-16-95	Lazarus et al.	604	95	7-28-93	
	5,437,662	8-1-95	Nardella	606	40	2-17-94	
	5,451,223	9-19-95	Ben-Simhon	606	42	7-26-94	
	5,688,270	11-18-97	Yates et al.	606	51	1-18-95	
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						YES	NO
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	0 257 116 A1	02/03/88	Europe	A61N	1/36		
	0 274 705 A1	20/07/88	Europe	A61M	23/00		XX
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	0 737 487 A2	16/10/96	Europe	A61M	25/01		
	0 783 903 A1	16/07/97	Europe	A61N	5/04		XX
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	JP 5-42166	05/1993	Japan	A61B	17/39		XX
	2 164 473 A	19/03/86	Great Britain	A61B	17/36		
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	4,846,175	7/11/89	Frimberger	128	303.15		
	5,114,402	5/19/92	McCoy	604	95		
	5,152,748	10/06/92	Chastagner	604	95		
	5,279,559	1/18/94	Barr	604	95		
	5,415,633	5/16/95	Lazarus et al.	604	95		
	5,433,739	7/18/95	Sluijter et al.	607	99		
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EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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	WO 96/34559	11/07/96	PCT	A61B	5/0402		
	WO 98/17190	4/30/98	PCT	A61B	18/00		
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	0 737 487 A2	10/16/96	Europe	A61M	25/01		
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EXAMINER				DATE CONSIDERED			

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INFORMATION DISCLOSURE CITATION PTO-1449			ATTY. DOCKET NO.		SERIAL NO.	
			APPLICANT Sharkey et al.			
			FILING DATE		GROUP To be assigned	
U.S. PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,201,731	4/13/93	Hakky	606	15	
	5,498,258	3/12/96	Hakky et al.	606	15	
	5,527,331	6/18/96	Kresch et al.	606	170	
	5,718,702	2/17/98	Edwards	606	41	
	5,728,795	7/21/98	Bays	606	22	
	5,810,809	8/22/98	Rydell	606	49	
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
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			APPLICANT Hugh R. Sharkey et al.				
			FILING DATE		GROUP To be assigned		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,364,395	11/15/94	West, Jr.				
FOREIGN PATENT DOCUMENTS							
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						YES	NO
	WO 82/02488	8/05/82	PCT	A61B	17/39		
	WO 93/16648	9/02/93	PCT	A61B	17/32		
	WO 95/10981	4/27/95	PCT	A61B	8/12		
	WO 95/25471	9/28/95	PCT	A61B	17/39		
	WO 96/11638	4/25/96	PCT	A61B	17/32		
	2 645 008	10/05/90	France	A61B	17/32		
	DE 39 18316	3/22/90	Germany	A61B	17/39		
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	4,074,718	2/21/78	Morrison, Jr.	128	303.14	
	5,085,659	2/04/92	Rydell	606	47	
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	5,464,023	11/07/95	Viera	128	772	
FOREIGN PATENT DOCUMENTS						
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES
	2 645 008	3/28/89	France	A61B	17/32	
	WO 93/16648	9/02/93	PCT	A61B	17/32	
	WO 95/25471	9/28/95	PCT	A61B	17/39	
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				Application Number	
				Filing Date	
				First Named Inventor	
				Group Art Unit	
				Examiner Name	
				Not Assigned	
				Attorney Docket Number	
Sheet	1	of	4		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
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	B1	300,155		STARR	06/10/1894	
	C1	371,664		BRANNAN et al.	10/18/1887	
	D1	452,220		GUNNING	05/12/1891	
	E1	1,314,855		CARPENTER	09/02/1919	
	F1	1,366,756		WAPPLER	01/25/1921	
	G1	1,731,627		JOHNSON et al.	10/15/1929	
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	I1	1,814,791		ENDE	07/14/1931	
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	L1	1,932,258		WAPPLER	10/24/1933	
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	O1	2,002,594		WAPPLER et al.	05/28/1935	
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	Q1	2,050,904		TRICE	08/11/1936	
	R1					

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Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ² . (if known)				
	S1	GB	2,160,102	A	RICHARD WOLF GmbH	12/18/1985		
	T1							
	U1							
	V1							
	W1							
	X1							
	Y1							
	Z1							

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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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				First Named Inventor	Hugh R. Sharkey
				Group Art Unit	
Examiner Name	Not Assigned				
Sheet	2	of	4	Attorney Docket Number	

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		Number	Kind Code ² (if known)			
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	B2	2,224,464		WOLF	12/10/1940	
	C2	2,275,167		BIERMAN	03/03/1942	
	D2	2,888,928		SEIGER	06/02/1959	
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	F2	3,163,165		ISAKAWA	12/29/1964	
	G2	3,460,539		ANHALT, SR.	08/12/1969	
	H2	3,595,239		PETERSEN	07/27/1971	
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	J2	3,828,780		MORRISON, JR.	08/13/1974	
	K2	3,870,047		GONSER	03/11/1975	
	L2	3,901,242		STORZ	08/26/1975	
	M2	3,902,494		HABERLIN	09/02/1975	
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First Named Inventor		Hugh R. Sharkey					
Group Art Unit							
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	A3	4,927,420		NEWKIRK et al.	05/22/1990	
	B3	5,277,696		HAGEN	01/11/1994	
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	F3	6,135,999		FANTON et al.	10/24/2000	
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				First Named Inventor	Hugh R. Sharkey
				Group Art Unit	
Examiner Name	Not Assigned				
Sheet	4	of	4	Attorney Docket Number	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A4	LEE BEADLING, <i>Bi-Polar electrosurgical devices: Sculpting the future of arthroscopy</i> , ORTHOPEDICS TODAY, January 1997, Vol. 17, No. 1, SLACK, Inc., Medical Publisher.	
	B4		
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